

TIMOTHY J. LONG (State Bar No. 137591)  
MICHAEL D. WEIL (State Bar No. 209056)  
CHRISTIAN N. BROWN (State Bar No. 233147)  
ORRICK, HERRINGTON & SUTCLIFFE LLP  
The Orrick Building, 405 Howard Street  
San Francisco, California 94105-2669  
Telephone: (415) 773-5700  
Facsimile: (415) 773-5759

## Attorneys for Defendants

WILBUR-ELLIS COMPANY; DOUGLAS SNYDE;  
WILLIAM FRANCIS; AND ARMON AZEVEDO

RUBEN A. CASTELLON (State Bar No. 154610)  
ROSS H. HIRSCH (State Bar No. 204320)  
STANZLER FUNDERBURK & CASTELLON LLP  
180 Montgomery Street, Ste. 1700  
San Francisco, California 94104  
Telephone: (415) 677-1450  
Facsimile: (415) 677-1476

Attorneys for Plaintiff

LOVELAND INDUSTRIES, INC. d/b/a UAP WEST

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

**LOVELAND INDUSTRIES, INC. d/b/a UAP  
WEST, a Colorado Corporation**

Case No. C 05-00840 SC

Judge: Hon. Samuel Conti  
Courtroom: 1

Complaint Filed: February 28, 2005

**JOINT STIPULATION AND  
PROPOSED ORDER  
REGARDING MEDIATOR**

#### **Defendants.**

1 Plaintiff Loveland Industries, Inc., d/b/a UAP West ("UAP" or "Plaintiff"), by and through  
2 its counsel, Stanzler Funderburk & Castellon LLP, and Defendants Wilbur-Ellis Company  
3 ("Wilbur-Ellis"), Douglas Snyde ("Snyde"), William Francis ("Francis"), and Armon Azevedo  
4 ("Azevedo") (collectively, "Defendants"), by and through their counsel, Orrick, Herrington &  
5 Sutcliffe LLP (collectively, "the parties"), present the following stipulation and proposed order.

6 The parties have been ordered by the Court to conduct a mediation before the Court-  
7 appointed mediator, Roderick M. Thompson. After discussion and consideration and with all due  
8 respect to Mr. Thompson, the parties prefer to conduct a mediation before a private mediator.

9 The parties have selected Judge Edward Infante (Ret.).

10 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED AS FOLLOWS:

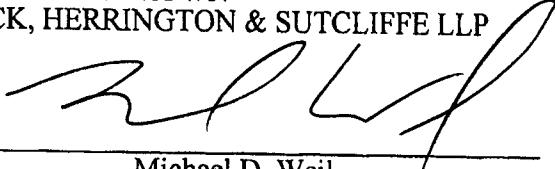
11 The parties will conduct a private mediation with Judge Infante.

12 Dated: August 12, 2005

13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

TIMOTHY J. LONG  
MICHAEL D. WEIL  
CHRISTIAN N. BROWN  
ORRICK, HERRINGTON & SUTCLIFFE LLP

By: \_\_\_\_\_

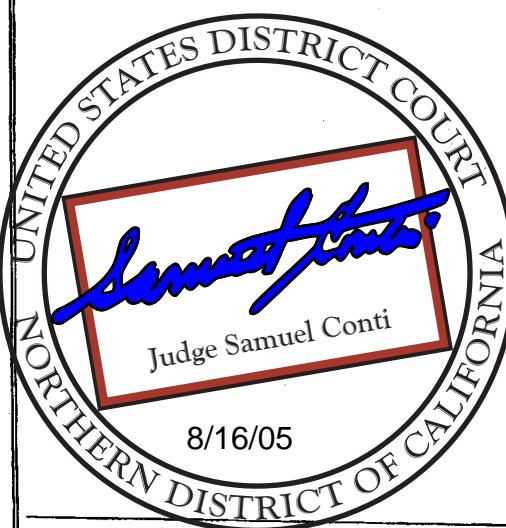
  
Michael D. Weil  
Attorneys for Defendants  
Wilbur-Ellis Company; Douglas Snyde;  
William Francis; and Armon Azevedo

Dated: August 12, 2005

RUBEN A. CASTELLON  
ROSS H. HIRSCH  
STANZLER FUNDERBURK & CASTELLON LLP

By: \_\_\_\_\_

  
Ruben A. Castellon  
Attorneys for Plaintiff  
Loveland Industries, Inc. d/b/a UAP West



## ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED on this \_\_\_\_\_ day of \_\_\_\_\_,  
2005

**Hon. Samuel Conti  
United States District Court Judge**